

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KYLE LEE OBEN,

Plaintiff,

v.

UNKNOWN DELACRUZ,

Defendant.

Case No. 1:20-cv-1050

HONORABLE PAUL L. MALONEY

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed a motion for summary judgment. Defendants Calkins and Delacruz also filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on September 22, 2021, recommending that this Court deny the motion filed by Plaintiff and grant the motion filed by the Defendants and enter judgment. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 49) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the plaintiff's Motion for Summary Judgment (ECF No. 32) is DENIED.

IT IS FURTHER ORDERED that the defendants' Motion for Summary Judgment (ECF No. 43) is GRANTED.

IT IS FURTHER ORDERED that for the same reasons the Court concludes that Plaintiff's claims are properly dismissed, the Court also concludes that any issue Plaintiff might raise on appeal would be frivolous. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). Accordingly, the Court certifies that an appeal would not be taken in good faith.

A Judgment will be entered consistent with this Order.

Dated: October 22, 2021

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge